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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/733,429	12/08/2000	Kevin D. Bair	STL000040US2/1716P	2095

7590

07/26/2004

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EXAMINER
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THAI, HANH B

ART UNIT	PAPER NUMBER
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2171

DATE MAILED: 07/26/2004

lp

Please find below and/or attached an Office communication concerning this application or proceeding.

14

# Office Action Summary

Application No.

09/733,429

Applicant(s)

BAIR, KEVIN D.

Examiner

Hanh B Thai

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on Amendment January 20, 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1,2,4-15,17-28,30-39 and 43-48 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1,2,4-15,17-28,30-39 and 43-48 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date 14.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

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This is in response to amendment January 20, 2004.

## **DETAILED ACTION**

### ***Response to Arguments***

Applicant's arguments filed January 20, 2004 have been fully considered but they are not persuasive.

Applicant argues on pages 11-12 that "Raz does not teach or suggest processing the query with the second system, wherein the second system utilizes metadata that is only in a storage area not residing on the second system to process the query." Examiner respectfully disagrees. Raz teaches in Fig.5B that the "client" system (12, Fig.5B), which corresponds to the first system, to submit a query to the "server" system (18, Fig.5B), which corresponds to a second system, wherein the server utilizes the metadata in the separated "control and management" storage area (see Fig.5B and col.5, line 40 to col.6, line 7, Raz). This clearly reads on the claimed limitation "processing the query with the second system, wherein the second system utilizes metadata that is only in a storage area not residing on the second system to process the query".

### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

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35 U.S.C. § 102(e), as revised by the AIPA and H.R. 2215, applies to all qualifying references, except when the reference is a U.S. patent resulting directly or indirectly from an international application filed before November 29, 2000. For such patents, the prior art date is determined under 35 U.S.C. § 102(e) as it existed prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. § 102(e)).

Claims 1-2, 4-15, 17-28, 30-39 and 43-48 are rejected under 35 U.S.C. 102(e) as being anticipated by Raz (U. S. Patent no. 6,292,827) of record.

Regarding claims 1, 14 and 27, Raz discloses a method at (Fig.1-Fig.3, Raz) for accessing information on a network (2, Fig.1), the method comprising the steps of:

a) allowing a first system (12, Fig.3) to submit a query to a second system (18, Fig3, Raz); please note that the client terminal and sever are correspond to the first system and second system.

b) processing the query with the second system, wherein the second system utilizes metadata that is only in a storage area not residing on the second system to process the query (see Fig. 1-3 and col. 4, lines 34-40 and col. 5, lines 5-10, Fig.5B and col.5, line 40 to col.6, line 7, Raz). The information resides in the external system that will provide for the second system's query whenever needed; and

c) utilizing the second system to return a result of the processed query to the first system (Fig.1-Fig.3, corresponding text and summary of Raz).

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Regarding claim 2, Raz further discloses in FIG.1 the method wherein the first system comprises a client machine (1) and the second system comprises a server machine (9, Fig.1, Raz).

Regarding claim 4, Raz further discloses the method wherein the metadata comprises information about objects (column 5, lines 62-67, Raz).

Regarding claim 5, Raz further discloses the method wherein the objects comprise tables, triggers and indexes (FIG. 8-10, Raz).

Regarding claim 6, Raz further discloses the method wherein a first protocol is utilized by the client machine to submit the query and the query includes data and metadata along with a request to perform an operation on the data and metadata (column 3, lines 58-66, Raz).

Regarding claim 7, Raz further discloses the method wherein a first protocol is utilized by the client machine to submit the query and the query includes a pointer to the data and metadata along with a request to perform an operation on the data and metadata (column 3, lines 58-66 and column 5, line 62 to column 6 line 7, Raz).

Regarding claim 8, Raz further discloses the method wherein the server machine implements a second protocol to process the query (column 8, lines 51-54, Raz).

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Regarding claim 9, Raz further discloses the method wherein the processing of the query comprises the server machine performing the requested operation on the data and metadata (FIG. 7 and column 5, line 60 to column 6, line 7, Raz).

Regarding claim 10, Raz further discloses the method wherein the network comprises the Internet (FIG. 1, Raz).

Regarding claim 11, Raz further discloses the method wherein the server machine implements a second protocol to process the query (column 8, lines 51-54, Raz).

Regarding claim 12, Raz further discloses the method wherein the processing of the query comprises the server machine performing the requested operation on the data and metadata (FIG. 7 and column 5, line 60 to column 6, line 7, Raz).

Regarding claim 13, Raz further discloses the method wherein the network comprises the Internet (FIG. 1, Raz).

Regarding claims 15, 17-26 and 28, 30-39, the elements of these claims are rejected in the analysis above and these claims are rejected on that basis.

Regarding claims 43, 45 and 47, Raz further discloses that the storage area resides on the third system (col. 4, lines 31-40, Raz). The external system corresponds to the third system.

Regarding claims 44, 46 and 48, Raz further discloses that the storage area resides on the first system (see summary of Raz). "client terminal" corresponds to the first system that the distributed data resides at.

***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Hanh B Thai whose telephone number is 703-305-4883. The examiner can normally be reached on 8 AM - 4:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Safet Metjahic can be reached on 703-308-1436. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



**UYEN LE  
PRIMARY EXAMINER**

Hanh Thai *HT*  
Art Unit 2171  
July 20, 2004